

10/542406

JUL 15 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO. 065691-0397

Applicant: Bernadette VERNEAU
Title: COMPOSITION FOR ORAL ADMINISTRATION
CONTAINING CAPSAICINOIDS
Appl. No.: Unassigned
Filing Date: 07/15/2005
Examiner: Unassigned
Art Unit: Unassigned

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicant in order to comply with Applicant's duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

Appl. No. Unassigned

Atty. Dkt. No. 065691-0397

JC20 Rec'd PCT/PTO 1 5 JUL 2005

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry of the national stage as set forth in 37 CFR §1.491.

RELEVANCE OF EACH DOCUMENT

Any document listed on the attached PTO/SB/08 was cited as being relevant during the prosecution of the corresponding International application. A copy of the International Search Report setting forth the portion of each reference considered relevant by the examiner is attached. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

July 15, 2005

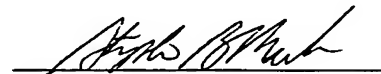
Date

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: July 15, 2005 <i>(use as many sheets as necessary)</i>		<div style="text-align: right; font-weight: bold;">Complete if known</div> <div style="font-size: 1.5em; font-weight: bold; text-align: center;">10/542406</div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td style="width: 50%;">Unassigned</td> </tr> <tr> <td>Filing Date</td> <td>07/15/2005</td> </tr> <tr> <td>First Named Inventor</td> <td>Bernadette VERNEAU</td> </tr> <tr> <td>Group Art Unit</td> <td>Unassigned</td> </tr> <tr> <td>Examiner Name</td> <td>Unassigned</td> </tr> <tr> <td>Attorney Docket Number</td> <td>065691-0397</td> </tr> </table>		Application Number	Unassigned	Filing Date	07/15/2005	First Named Inventor	Bernadette VERNEAU	Group Art Unit	Unassigned	Examiner Name	Unassigned	Attorney Docket Number	065691-0397
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U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	3,619,212		KAZUO et al.	11/09/1971	
	A2	5,273,754		MORRIS	12/28/1993	
	A3	6,022, 718		KAZUO et al.	02/08/2000	
	A4	2002/028257		CHRIS et al.	03/07/2002	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
	A5	GB	1 201 650	A	Grace	08/12/1970		
	A6	EP	0 201 041	A	Fritzsche Dodge & Olcott	11/12/1986		
	A7	WO	97/33599	A	Viva America Marketing Inc.	09/18/1997		
	A8	WO	98/47376	A	Viva America Marketing Inc.	10/29/1998		
	A9	FR	2 776 189	A	Lipha	09/24/1999		
	A10	WO	00/41708	A	Arkopharma Lab	07/20/2000		

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A11	Database WPI, Derwent Publications, Ltd., Class D13, XP-002256558 & CN 1 304 682, July 25, 2001, Abstract.	
	A12	Database WPI, Derwent Publications, Ltd., Class B04, XP-002285380 & JP 2000-072642, March 7, 2000, Abstract.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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